

United States Magistrate Judge Charles H. Weigle recommends granting in part and denying in part Defendant Shoultes's motion for summary judgment (Doc. 61), so that the Plaintiff be permitted to pursue his Eighth Amendment conditions of confinement and excessive force claims for nominal damages, but not for compensatory or punitive damages. Doc. 72. The Defendant has objected to the Recommendation. Doc. 73. The Plaintiff has not objected. Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Defendant's objections and made a de novo determination of the portions of the Recommendation to which the she objects. The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendant's motion for summary judgment (Doc. 61) is **GRANTED in part** and **DENIED in part**, so that the Plaintiff is permitted to pursue his Eighth Amendment claims for nominal damages, but not for compensatory or punitive damages.

SO ORDERED, this 16th day of February, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT